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COMMITTEE ON APPLICATIONS FOR REVIEW OF
ADMINISTRATIVE TRIBUNAL JUDGEMENTS
Forty-first session
Application Nos. 83, 84, 85, 86 and 87

ADMINISTRATIVE TRIBUNAL JUDGEMENTS NO. 574: MEGZARI AGAINST THE SECRETARY-GENERAL OF THE UNITED NATIONS; NO. 571: NOBLE AGAINST THE SECRETARY-GENERAL OF THE UNITED NATIONS; NO. 577: KAOUAKIB AGAINST THE SECRETARY-GENERAL OF THE UNITED NATIONS; NO. 579: TARJOUMAN AGAINST THE SECRETARY-GENERAL OF THE UNITED NATIONS; NO. 575: BURTIS AGAINST THE SECRETARY-GENERAL OF THE UNITED NATIONS

Report of the Committee

Rapporteur: Mr. Michael WOOD (United Kingdom of Great Britain and Northern Ireland)

INTRODUCTION

1. At its forty-first session, the Committee on Applications for Review of Administrative Tribunal Judgements, established under article 11 of the statute of the Administrative Tribunal, considered the following applications:

(a) Application of Mr. Megzari for a review of Administrative Tribunal Judgement No. 574 - Megzari v. the Secretary-General of the United Nations;

(b) Application of Ms. Noble for a review of Administrative Tribunal Judgement No. 571 - Noble v. the Secretary-General of the United Nations;

(c) Application of Ms. Kaouakib for a review of Administrative Tribunal Judgement No. 577 - Kaouakib v. the Secretary-General of the United Nations;

(d) Application of Mr. Tarjouman for a review of Administrative Tribunal Judgement No. 579 - Tarjouman v. the Secretary-General of the United Nations;

(e) Application of Ms. Burtis for a review of Administrative Tribunal Judgement No. 575 - Burtis v. the Secretary-General of the United Nations.

2. Meetings of the Committee were held on 15 and 16 July 1993.

I. COMPOSITION OF THE COMMITTEE AND ORGANIZATION OF THE SESSION

3. The Committee, under paragraph 4 of article 11 of the statute of the Administrative Tribunal, is composed of the Member States the representatives of which have served on the General Committee of the most recent regular session of the General Assembly (forty-seventh session), namely, at this time: Afghanistan, Austria, Belize, Benin, Bulgaria, Cape Verde, China, Comoros, Egypt, El Salvador, France, Gabon, Iran (Islamic Republic of), Ireland, Kuwait, Lesotho, Libyan Arab Jamahiriya, Nicaragua, Philippines, Romania, Russian Federation, Sri Lanka, Suriname, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Yemen.

4. Mr. Javad Zarif (Islamic Republic of Iran) and Mr. Michael Wood (United Kingdom), elected respectively as Chairman and as Rapporteur at the fortieth session, continued to serve in those capacities at the forty-first session of the Committee.

II. THE APPLICATIONS BEFORE THE COMMITTEE AND THEIR CONSIDERATION

5. On 22 February 1993, the Committee received, through its Secretary, an application from Mr. Megzari requesting a review of Judgement No. 574 rendered by the United Nations Administrative Tribunal on 12 November 1992 in the case of Megzari against the Secretary-General of the United Nations. In accordance with article III, paragraph 1, of the rules of procedure of the Committee, the application, which had been submitted in French, was translated into the other languages of the General Assembly. Thereafter, on 7 June 1993, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.242) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the judgement of the Tribunal (AT/DEC/574).

6. Written comments of the Respondent, submitted with respect to the application of Mr. Megzari in accordance with article V, paragraph 1, of the rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.243.

7. The Committee considered the application of Mr. Megzari at its closed meeting held on 15 July 1993.

8. The Committee decided, without a vote, that there was not a substantial basis for the application under article 11 of the statute of the Administrative Tribunal and therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 574

delivered by the United Nations Administrative Tribunal in the case of Megzari against the Secretary-General of the United Nations.

9. On 7 March 1993, the Committee received, through its Secretary, an application from Ms. Noble requesting a review of Judgement No. 571 rendered by the United Nations Administrative Tribunal on 9 November 1992 in the case of Noble against the Secretary-General of the United Nations. In accordance with article III, paragraph 1, of the rules of procedure of the Committee, the application, which had been submitted in English, was translated into the other languages of the General Assembly. Thereafter, on 7 June 1993, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.244) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the judgement of the Tribunal (AT/DEC/571).

10. Written comments of the Respondent, submitted with respect to the application of Ms. Noble in accordance with article V, paragraph 1, of the rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.245.

11. The Committee considered the application of Ms. Noble at its closed meeting held on 15 July 1993.

12. The Committee decided, without a vote, that there was not a substantial basis for the application under article 11 of the statute of the Administrative Tribunal and therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 571 delivered by the United Nations Administrative Tribunal in the case of Noble against the Secretary-General of the United Nations.

13. On 8 March 1993, the Committee received, through its Secretary, an application from Ms. Kaouakib requesting a review of Judgement No. 577 rendered by the United Nations Administrative Tribunal on 17 November 1992 in the case of Kaouakib against the Secretary-General of the United Nations. In accordance with article III, paragraph 1, of the rules of procedure of the Committee, the application, which had been submitted in English, was translated into the other languages of the General Assembly. Thereafter, on 7 June 1993, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.246) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the judgement of the Tribunal (AT/DEC/577).

14. Written comments of the Respondent, submitted with respect to the application of Ms. Kaouakib in accordance with article V, paragraph 1, of the rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.247.

15. The Committee considered the application of Ms. Kaouakib at its closed meeting held on 15 July 1993.

16. The Committee decided, without a vote, that there was not a substantial basis for the application of Ms. Kaouakib under article 11 of the statute of the Administrative Tribunal and therefore concluded that the International Court of

Justice should not be requested to give an advisory opinion in respect of Judgement No. 577 delivered by the United Nations Administrative Tribunal in the case of Kaouakib against the Secretary-General of the United Nations.

17. On 10 March 1993, the Committee received, through its Secretary, an application from Mr. Tarjouman requesting a review of Judgement No. 579 rendered by the United Nations Administrative Tribunal on 18 November 1992 in the case of Tarjouman against the Secretary-General of the United Nations. In accordance with article III, paragraph 1, of the rules of procedure of the Committee, the application, which had been submitted in English, was translated into the other languages of the General Assembly. Thereafter, on 7 June 1993, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.248) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the judgement of the Tribunal (AT/DEC/579).

18. Written comments of the Respondent, submitted with respect to the application of Mr. Tarjouman in accordance with article V, paragraph 1, of the rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.249.

19. The Committee considered the application of Mr. Tarjouman at its closed meeting held on 15 July 1993.

20. The Committee decided, without a vote, that there was not a substantial basis for the application of Mr. Tarjouman under article 11 of the statute of the Administrative Tribunal and therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 579 delivered by the United Nations Administrative Tribunal in the case of Tarjouman against the Secretary-General of the United Nations.

21. On 5 March 1993, the Committee received, through its Secretary, an application from Ms. Burtis requesting a review of Judgement No. 575 rendered by the United Nations Administrative Tribunal on 13 November 1992 in the case of Burtis against the Secretary-General of the United Nations. In accordance with article III, paragraph 1, of the rules of procedure of the Committee, the application, which had been submitted in English, was translated into the other languages of the General Assembly. Thereafter, on 7 June 1993, in accordance with the same rules of procedure, the application was communicated in the form of a document (A/AC.86/R.250) to all members of the Committee, as well as to the parties to the proceedings before the Administrative Tribunal, together with a copy of the judgement of the Tribunal (AT/DEC/575).

22. Written comments of the Respondent, submitted with respect to the application of Ms. Burtis in accordance with article V, paragraph 1, of the rules of procedure of the Committee, were circulated to all members of the Committee in document A/AC.86/R.251.

23. The Committee considered the application of Ms. Burtis at its closed meeting held on 15 July 1993.

24. The Committee decided, without a vote, that there was not a substantial basis for the application of Ms. Burtis under article 11 of the statute of the

Administrative Tribunal and therefore concluded that the International Court of Justice should not be requested to give an advisory opinion in respect of Judgement No. 575 delivered by the United Nations Administrative Tribunal in the case of Burtis against the Secretary-General of the United Nations.

25. In accordance with article VIII, paragraph 4, of the rules of procedure of the Committee, the decisions of the Committee with regard to the applications of Mr. Megzari, Ms. Noble, Ms. Kaouakib, Mr. Tarjouman and Ms. Burtis were formally announced by the Chairman at the meeting of the Committee held in public on 16 July 1993.